

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CRAIG CUNNINGHAM,

Plaintiff,

v.

Civil Case Number 15-00847
Honorable David M. Lawson
Magistrate Judge Barbara D. Holmes

THE 7 FIGURE WEALTH CORPORATION,
CHRISTIAN KINNEY, CORAZON
MANAGEMENT GROUP, INC., SUSIE
TREMBLAY-BROWN, MULTIPLEX
SYSTEMS, INC., MY MINDS EYE, LLC,
and JL NET BARGAINS, INC.,

Defendants.

**ORDER STAYING ENFORCEMENT OF JUDGMENT
AND ENJOINING DISPOSAL OF ASSETS**

This matter is before the Court on defendant Multiplex Systems' motion to set aside default judgment [dkt. 257] and motion for temporary restraining order [dkt. #258]. On August 15, 2017, the Court entered an order granting in part the plaintiff's motion for default judgment against seven defendants, including Multiplex Systems, Inc. On September 22, 2017, the Court entered a judgment in accordance with the Court's August 15 order that held the seven defaulted defendants jointly and severally liable for damages in the amount of \$259,500. That judgment subsequently was amended to correct a typo in the original judgment and clarify the defendants' respective obligations. Multiplex Systems states that since entry of judgment, the plaintiff's assignee has attempted to recover damages from it. It represents that approximately \$14,819 has been removed from its business bank account at TD Bank in New York, and that there is a hold on another business bank account owned by Multiplex Systems at Chase Bank in the amount of \$13,312.90.

Multiplex Systems now asks the Court to set aside the order of default judgment entered against it and temporarily enjoin the plaintiff and his assignees from any further disposal or removal of funds from its bank accounts. It argues default judgment was entered against it in error, because it was not properly served with a copy of the summons and complaint under Rule 4 of the Federal Rules of Civil Procedure.

Federal Rule of Civil Procedure 62(b)(4) provides that “the court may stay the execution of a judgment – or any proceedings to enforce it – pending disposition of any of the following motions: . . . (4) under Rule 60, for relief from a judgment or order.” Fed. R. Civ. P. 62(b)(4). The Court finds that the defendant’s motion under Federal Rule of Civil Procedure 60(b) to set aside the default judgment raises a colorable claim and that justice requires that a stay on the execution of the judgment be entered pending disposition of that motion.

Accordingly, it is **ORDERED** that the second corrected judgment entered in this matter on January 16, 2018 [dkt. #274] is **STAYED** until such time as the Court renders a decision on the defendant’s motion to set aside default [dkt. #257].

It is further **ORDERED** that the defendant Multiplex Systems, Inc., its servants, agents, employees, attorneys, and all those in active concert and participation with them who receive notice of this order, are restrained and enjoined from damaging, destroying, concealing, disposing of, or using its assets so as to substantially impair their value except in the ordinary course of business during the pendency of this lawsuit.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge
Sitting by special designation

Dated: January 17, 2018